

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

MICHAEL D. ROSE

16-12408-JDW

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this notice respond or object to said Motion, such response or objection is required to be filed on or before August 30, 2021, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda J. Clay Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the following attorneys of record and/or parties of interest.

Dated: August 5, 2021.

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, MS 39211
(601) 355-6661
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

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MICHAEL D. ROSE

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MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the "Trustee"), by and through counsel, and files this Motion to Dismiss (the "Motion") in the above referenced case, and in support thereof states as follows:

1. On July 18, 2016, the Debtor initiated this proceeding with the filing of a Chapter 13 Bankruptcy Petition. The Debtor's Chapter 13 plan was confirmed by Order of this Court on September 8, 2016, for a term of sixty (60) months (Dkt. #13) (the "Confirmed Plan").

2. The sixty (60) month plan term completed in July 2021. There remains a balance of \$1,221.00 to complete the case and pay the ongoing mortgage claim through August 2021.

3. The Trustee requests that this case be dismissed, or in the alternative, requests the entry of an order requiring that the Debtor immediately cure the payment delinquency and timely pay all funds necessary for completion of the Confirmed Plan.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Motion be received and filed and upon a hearing, this Court will enter its order granting the Motion and for such other, further and general relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: August 5, 2021.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, MS 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: August 5, 2021.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN